



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3003673
Applicant Name: South Lake Union Streetcar
Address of Proposal: 898 Fairview Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit for a shoreline substantial development permit to construct two segments of streetcar line in the South lake Unions area; one along Fairview Avenue North between Yale Avenue North and Aloha Street (at the north terminus streetcar stop) and a second along Valley Street between Westlake Avenue North and Terry Avenue North (near South Lake Union streetcar stop).

The following approvals are required:

- **Substantial Shoreline Development Permit, Seattle Municipal Code (SMC) Chapter 23.60**

SEPA DETERMINATION: ☒ Exempt* ☐ DNS ☐ MDNS ☐ EIS

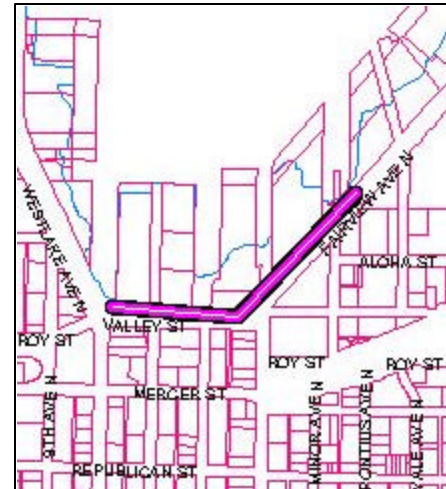
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

* A Determination of Non-significance was prepared by the Department of Transportation and published on April 12, 2005.

BACKGROUND DATA

The City of Seattle, in cooperation with the U.S. Department of Transportation Federal Transit Administration, proposes to construct a new streetcar line in the South lake Union area of Seattle. The proposed streetcar would extend from the vicinity of Westlake Avenue and Olive Way/Fifth Avenue in downtown Seattle through the Denny Triangle to the South Lake Union neighborhood. The streetcar will operate in one direction forming a loop circling the alignment. The length of the proposed streetcar will be approximately 1.3 miles in each direction (approximately 2.7 miles total).



From the south terminus at Olive Way/Fifth Avenue, the two tracks (one running southbound and one running northbound) will both be located on Westlake Avenue North. At the intersection with Thomas Street, the northbound track will split off to the east and turn north onto Terry Avenue North, while the southbound track will remain on Westlake Avenue North and turn east at Valley Street. The two tracks will meet at the intersection of Terry Avenue North and Valley Street and run in a parallel formation east bound on Valley Street, following the road curvature to the north that becomes Fairview Avenue North. The north terminus is located at Yale Avenue North.

A streetcar maintenance facility is proposed to be located on private property on Fairview Avenue North Harrison Street. A two-block long line spur from Terry Avenue North will connect the alignment to the maintenance facility. The proposed alignment includes seven platform stations in the northbound direction and seven in the southbound direction.

The City of Seattle Department of Transportation (SDOT) is the lead agency for the full project alignment extending between the north and south terminus, all of which lies within the public right-of-way. A Determination of Non-Significance for the entire project was published by SDOT on April 12, 2005. This analysis included... Only those portions that lie within the shoreline zone are subject to review by the Department of Planning and Development (DPD). As such, this decision shall focus solely on those two segments that lie within the identified shoreline zone.

Two segments of the tracks are located within the shoreline buffer zone that is designated as Urban Stable (US). The underlying zone of these two segments is predominantly Commercial 2 for a 40-foot height limit (C2-40) with a small section lying within the Seattle Mixed (SM) zone.

SITE INFORMATION

Two portions of the proposed project corridor are located in the City of Seattle Shoreline Management Zone and require a Shoreline Substantial Development permit. These two segments are described as follows:

- 1) A double line of tracks, a single concrete slab station platform (near Ward Street) and a single line of tracks located within the public right-of-way in the middle of Fairview Avenue North between

approximately Minor Avenue North and Yale Avenue North. This segment is close to the north terminus of the alignment.

- 2) A single line of rail tracks from the intersection of Valley Street and Westlake Avenue North continuing north and then east into the railbank right-of-way on the north side of Valley Street between approximately Terry Avenue North and Westlake Avenue North. This segment does not include a station platform.

The portion of the tracks along Fairview Avenue North between Yale Avenue North and Aloha Street (at the north terminus streetcar stop) are entirely located within a fully improved roadway right-of-way. The portion of the tracks along Valley Street between Westlake Avenue North and Terry Avenue North (near South Lake Union streetcar stop) are located in both the roadway and railbank rights-of-way. These rights-of-way lack full street improvements.

The two segments of the streetcar that encroach into the shoreline zone of Lake Union. This freshwater lake is connected to both Lake Washington and Puget Sound. The streetcar line will be approximately 80-100 feet from the lake shoreline. Along Valley Street, near Westlake Avenue North, the streetcar line will be approximately 100 feet from a naturalized, low-bank, rocky shoreline. The upland has grass and some native vegetation cover. The Kenmore Airport is located to the northwest along the shoreline and the proposed South Lake Union Park will be developed immediately to the north of the proposed streetcar line and Valley Street.

Along Fairview Avenue North, near Ward Street, the streetcar line will be approximately 80 feet from a relatively recently constructed shoreline, defined by a bulkhead. The 100-year floodplain is contained by the bulkhead and does not extend beyond this man-made shoreline. Commercial buildings and a private marina for small sail boats and motor boats are located along this section of the shoreline.

Public Comment

The project was noticed for the required 28 day period for shoreline permits under SMC 23.76 starting February 1, 2006 and ending on February 28, 2006. No comments were received as a result of this notice.

ANALYSIS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local Shoreline Master Program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

This proposal does not require a shoreline variance, conditional use or special use permit. The proposal has been reviewed by DPD and meets the applicable development standards of the C1 and SM zones (SMC 23.47 and SMC 23.48).

Shoreline Goals and Policies

Pursuant to SMC 23.60.004, the Shoreline Goals and Policies (part of the Seattle Comprehensive Plan's Land Use Element), and the purpose and locational criteria for each shoreline environment contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The proposal does not conflict with the goals or policies relating to non-water dependent uses. The goals and policies generally state that such uses provide a public benefit in that more people can enjoy the shorelines of the city. Additionally, the site provides a public benefit that allows more people to enjoy the shoreline.

The purpose of the US environment described in SMC 23.60.220.C7, is to (1) provide opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting non-water dependent commercial uses if they provide substantial public access and other public benefits, (2) preserve and enhance views of the water from adjacent streets and upland residential areas, and (3) support water-dependent uses by providing services such as marine-related retail and moorage.

The locational criteria for the US environment includes (1) areas where the underlying zoning is Commercial or Industrial, (2) areas with small amounts of dry land between the shoreline and the first parallel street, with steep slopes, limited truck and rail access or other features making the area unsuitable for water-dependent or water-related industrial uses, (3) areas with large amounts of submerged land in relation to dry land and sufficient wave protection for water-dependent recreation, and (4) areas where the predominant land use is water-dependent recreational or non-water-dependent commercial;

DPD has reviewed the proposal and applicable codes and policies to determine that there is no change of use proposed; therefore, the application is not considered an expansion of a use. The proposal will not affect views.

Development Standards

The subject track construction and use is permitted subject to the General Development standards in SMC 23.60.152, the use provisions of SMC 23.60.208 and the specific US Shoreline development standards in SMC 23.60.630.

General Development Standards for all Shoreline Environments (SMC 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety. The structure, as conditioned and mitigated, is consistent with the general standards for development within the shoreline area. General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land and water. The

Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality.

Development Standards Applicable to Specific Uses: Railroads and rail transit (SMC 23.60.208)

A. New railroad tracks shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District.

The proposed alignment will service the South Lake Union neighborhood and Lake Union waterfront.

B. Existing railroad tracks may be expanded within existing rail corridors.

There are no existing railroad tracks; therefore this criterion does not apply.

C. Where possible, new rail transit facilities in the Shoreline District shall use existing highway or rail corridors.

As described earlier in this document, the proposed alignment takes advantage of the existing railbank along South Lake Union.

D. All railroads and rail transit facilities shall provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

The proposed tracks and paving will be flush with the street grade and the station stops will consist of only a concrete platform; therefore no physical barrier to the shoreline will be created by the railroad track installation.

Use Standards for US Shoreline Environments (SMC 23.60.600-612)

Railroad use is permitted outright on an upland lot within the Urban Stable environment.

Development Standards for US Shoreline Environments (SMC 23.60.630-642)

The proposed track construction will not exceed the 30-foot height limit. View corridors, lot coverage, public access, use location or the construction of any structures will remain unchanged by the construction of the proposed tracks. The two segments of the track under review are located wholly within the public right of way. Therefore, the intent and requirements of this code section and SMC 23.60.160, standards for regulated public access standards do not apply to the proposed action. The proposed tracks comport with all other development standards.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 of the WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a

review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

The development sites are located in the Urban Stable Shoreline designation. The following includes an analysis of the general development standards that pertain to all uses in the shoreline, with additional analysis for the applicable shoreline designation.

DECISION – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

The substantial shoreline development permit for this project is **APPROVED**, with no conditions.

CONDITIONS – SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT

None.

Signature: (signature on file) Date: March 6, 2006
Lisa Rutzick
Department of Planning and Development
Land Use Services